# Joint Due Diligence Standard for Copper, Lead, Nickel and Zinc

# Public Consultation – Feedback Form

[The Copper Mark](https://coppermark.org/), [the International Lead Association](https://www.ila-lead.org/) (ILA), [the International Zinc Association](https://www.zinc.org/) (IZA), the [Nickel Institute](https://www.nickelinstitute.org/) and the [Responsible Minerals Initiative](http://www.responsiblemineralsinitiative.org/) (RMI) are pleased to announce that the **Joint Due Diligence Standard for Copper, Lead, Nickel and Zinc** has been published for consultation.

The five organizations are collaborating to develop a joint Standard to enable companies to comply with the London Metal Exchange (LME) [Responsible Sourcing requirements](https://www.lme.com/About/Responsibility/Responsible-sourcing). With this collaboration, partner organizations expect to significantly reduce administrative burdens, minimize costs and provide a mechanism for LME-listed brands to meet LME requirements using a single framework.

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| **Practical Information** |  |
| Consultation period: | **27th August 2020 – 30th September 2020**  *Please note that submissions after this deadline will not be considered.* |
| Format: | Stakeholders are kindly requested to submit comments using only this feedback form. |
| Contact: | Feedback forms should be submitted via email to **info@coppermark.org** |

**Introduction**

LME Responsible Sourcing requirements build on the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Guidance), the internationally accepted five-step framework for due diligence on mineral supply chains. LME-listed brands are able to demonstrate compliance with the LME Responsible Sourcing requirements by adopting an OECD-aligned standard. Currently, no such standard exists for copper, lead, nickel and zinc. The Joint Due Diligence Standard for Copper, Lead, Nickel and Zinc (the Standard) is developed to address this gap and provide a single framework for LME-listed brands to comply with the new rules, which will enter into force starting from January 2021 through a phased approach leading to full responsible sourcing compliance for all LME-listed brands by the end of 2024. Brands choosing to meet LME responsible sourcing requirements through the adoption of an OECD-aligned standard will be required to be assessed against the Standard by 31 December 2023.

Secondly, the Standard supports the implementation of the OECD Guidance for any company that produces and / or trades copper, lead, nickel and zinc metal products from the mine site to, and including, the refiner.

Conformance with the requirements defined in this Standard will be assessed using independent, third-party assessments that are overseen by existing assurance frameworks, specifically [the Copper Mark Assurance Process](https://coppermark.org/copper-mark-requirements/assurance-process/) or the [RMI’s Responsible Minerals Assurance Process (RMAP)](http://www.responsiblemineralsinitiative.org/responsible-minerals-assurance-process/).

# Feedback Form

The main purpose of this consultation is to ensure the Standard is **practical** and **achievable** for companies producing and / or trading copper, lead, nickel and zinc metal products.

We have included specific questions on key topics on which we are particularly keen to receive your comments; we invite you to respond to these questions during your review. We also welcome any general feedback you have on the Standard, and you may include such feedback at the end of the form.

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| **Please tell us a little bit about yourself** | | | | |
| Organization: |  | | | |
| Name: |  | | | |
| Email: |  | | | |
| Metal products produced, traded or sourced  (copper, lead, nickel, zinc, all of the above, other): |  | | | |
| Stage in the supply chain  (e.g. mining, refining): |  | | | |
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| **Please answer the following questions on specific sections of the Standard:** | | | | |
| **Section 3: Applicability and Scope** | | | | |
| 3.1. Companies within the scope of the Standard:  Are there any companies in the copper, lead, nickel or zinc supply chain between the mine site and the final metal product entering the downstream manufacturing process that are not included in the scope? If ‘yes’, please provide details. | | Yes | | No |
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| 3.2. Materials within the scope of the Standard:  For sites receiving and / or producing multiple metals, is the Standard clear which materials are in scope? *For this question, please also consider the definition of “byproduct” in the Glossary.* | | | Yes | No |
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| **Section 4: Conformance Criteria - General** | | | | |
| Are the conformance criteria **clear**?  If no, please provide specific feedback and suggestion for how to improve clarity. | | | Yes | No |
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| Are the conformance criteria **achievable**?  If no, please provide specific feedback. | | | Yes | No |
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| Do the conformance criteria allow companies to leverage existing management systems?  If no, please provide specific feedback and suggestions for how the Standard can recognise existing management systems. | | | Yes | No |
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| **Section 5: Conformance Criteria - Specific** | | | | |
| 5.2.3. Red Flags Identification:  The LME expects companies to apply the red flags defined in the OECD Guidance Supplement on Tin, Tantalum and Tungsten (3T Supplement). The Standard adopted these red flags but sought to clarify expectations for the Standard’s covered metals through Section 5.2.3. and the defined terms in the Glossary.  Are the red flags, as interpreted in the Standard, **appropriate** and **effective** in facilitating their intended purpose to identify the risks listed in the OECD Guidance Annex II (Annex II risks) in copper, lead, nickel and zinc supply chains?  If no, please provide specific feedback (and where possible, examples) and suggestions for how the Standard’s interpretation can be amended to better achieve this intended purpose. | | | Yes | No |
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| 5.1.6., 5.2.1 – 5.2.4 System of control and transparency / risk assessment:  The LME does **not** require the use of the 3T Supplement for copper, lead, nickel and zinc brands (with the exception of the red flags definition, as explained above). However, the LME encourages brands to review the 3T Supplement for guidance. The Standard follows this approach and adopted interpretations, concepts and guidance from the 3T Supplement where these are considered helpful for the practical implementation of the OECD Guidance in copper, lead, nickel and zinc supply chains. The Standard also adopts requirements that are not included in the 3T Supplement where these are believed to be directly relevant to copper, lead, nickel and zinc supply chains. | | | | |
| Is the information required to be collected and retained for the red flags identification (5.2.3) and risk assessment (5.2.4) **accessible,** **appropriate** and **sufficient** to identify and assess Annex II risks in companies’ supply chains?  If no, please provide specific feedback and suggestions for how the Standard can be improved to achieve this goal. | | | Yes | No |
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| Are the methods to collect this information described in the Standard (5.1.6) **reasonable** and **efficient**?  If no, please provide specific feedback and suggestions for how the Standard can be improved to achieve this goal. | | | Yes | No |
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| 5.2.4.1. On-the-ground Assessments:  Are the factors companies should consider to determine the need for an on-the-ground assessment of red flagged supply chains **appropriate** and **sufficient** to enable the identification and assessment of Annex II risks?  If no, please provide specific feedback and suggestions for how the Standard can be improved to achieve this goal. | | | Yes | No |
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| 5.3 Risk Management:  The OECD Guidance recommends that companies discontinue or suspend trade for a minimum of 3 months after failed attempts at mitigation within 6 months from the implementation of the risk management plan.  Aware of the fact that the elimination of Annex II risks may require more time, is the way the Standard approached this OECD recommendation **achievable** / **practical**?  If no, please provide specific feedback and suggestion for how the Standard can be improved to achieve this goal while meeting OECD expectations. | | | Yes | No |
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| 5.4 Independent Third-Party Assessment at Identified Points in the Supply Chain:The OECD Guidance requires the designation of “identified points” that are required to undergo an independent third-party assessment. The purpose of designating “identified points” is to avoid assessment fatigue and increase efficiency when assessing Annex II risks in a supply chain.  Are the identified points for copper, lead, nickel and zinc **appropriately** defined? *For this question, please also consider the definition of “identified point” in the Glossary.*  If no, please provide specific feedback. | | | Yes | No |
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| **General** | | | | |
| Is the structure and flow of the Standard clear and easy to follow?  If no, please include recommended changes: | | | Yes | No |
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| Is the Standard sufficiently detailed to ensure consistent implementation of the OECD Guidance without creating unnecessary administrative burden?  If no, please include recommended changes: | | | Yes | No |
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| If you have any general feedback on the Standard, please include it here: | | | | |
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**Development of the Joint Due Diligence Standard for Copper, Lead, Nickel and Zinc**

Facilitated by The Copper Mark, a working group has been established to develop the joint Standard to enable brands’ compliance with the LME Responsible Sourcing requirements. The group also includes other interested commodity associations, multi-metal company representatives, along with OECD and LME. Through the working group, the partner organizations implement a clearly defined roadmap to ensure copper, lead, nickel and zinc brands will be able to rely on the shared framework to respond to the LME before June 2022. It includes four main phases:

* **Phase 1 – 2019 / early 2020:** Development of the roadmap and formation of the working group *(completed)*
* **Phase 2 – 2020:** Development of the joint Due Diligence Standard and Tool, including a public consultation *(in progress)*
* **Phase 3 – Early 2021:** Pilot implementation of the joint Due Diligence Standard.
* **Phase 4 –** **2021 / early 2022:** Independent third-party OECD Alignment Assessment and application for approval by LME as Track A “OECD-aligned external standard”.

For any questions on the joint Due Diligence Standard, please contact:

For the Copper Mark: [info@coppermark.org](mailto:info@coppermark.org)

For the International Lead Association: [enq@ila-lead.org](mailto:enq@ila-lead.org)

For the International Zinc Association: [sgrund@zinc.org](mailto:sgrund@zinc.org)

For the Nickel Institute: [communications@nickelinstitute.org](mailto:communications@nickelinstitute.org)

For the Responsible Minerals Initiative: [RMI@ResponsibleBusiness.org](mailto:RMI@ResponsibleBusiness.org)

**About the Copper Mark**

[The Copper Mark](https://coppermark.org/) is an assurance framework available for the copper industry to demonstrate its responsible production practices and its contribution to the United Nations SDGs. The Copper Mark offers a comprehensive system that addresses 32 environmental, social and governance issues related to the responsible production of copper, using the Responsible Minerals Initiative’s (RMI) Risk Readiness Assessment. Developed and funded by the International Copper Association (ICA), the Copper Mark is incorporated as an independent entity headquartered in the United Kingdom. For additional information visit coppermark.org.

**About the International Lead Association**

The [International Lead Association](https://www.ila-lead.org/) (ILA) is the trusted global trade association for the lead industry and its member companies are at the forefront of the mining, smelting, refining and recycling of lead. For more information visit [www.ila-lead.org](http://www.ila-lead.org).

**About the International Zinc Association**

The [International Zinc Association](https://www.zinc.org/) represents the zinc industry globally, to sustainably grow markets and maintain the industry’s license to operate through effectively managed initiatives in research and development, technology transfer, and communication of the value of zinc. IZA represents 36 full members and over 240 affiliate and associate members. IZA’s members reflect the whole zinc value chain from mining, production, and manufacturing to recycling. Through its sustainability program, IZA coordinates the joint contribution of the zinc sector to achieving the UN SDGs. IZA is an associate member of the ResponsibleSteel Standard and supporting member of the Dutch IRBC for the Metals Sector.

**About the Nickel Institute**

The [Nickel Institute](https://www.nickelinstitute.org/) (NI) is the global association of leading primary nickel producers. Our mission is to promote and support the proper use of nickel in appropriate applications. The NI grows and supports markets for new and existing nickel applications including stainless steel, and promotes sound science, risk management, and socio-economic benefit as the basis for public policy and regulation. Through our science division [NiPERA Inc.](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nickelinstitute.org%2Fscience&data=02%7C01%7C%7Ce8ed2599ab5b4f22a3d208d7e77e44f7%7Cac144e41800148f09e1c170716ed06b6%7C0%7C0%7C637232401826775803&sdata=vTO3BweQXJst%2FpxUzeUpS19bwUco5tNjg3Gfdx0Yd8Q%3D&reserved=0), we also undertake leading-edge scientific research relevant to human health and the environment. The NI is the centre of excellence for information on nickel and nickel-containing materials and has offices in Asia, Europe and North America.

**About the Responsible Minerals Initiative**

The [Responsible Minerals Initiative (RMI)](http://www.responsiblemineralsinitiative.org/) is an initiative of the Responsible Business Alliance (RBA). The RMI is a multi-industry initiative with more than 380 member companies representing the full supply chain. Its members contribute to the development and international uptake of a range of tools and resources focused on minerals supply chain due diligence, including independent third-party assessment programs for supply chain actors, Minerals Reporting Templates, supply chain risk assessment tools, Country of Origin data, and guidance documents on responsible sourcing of tin, tantalum, tungsten, gold, cobalt, mica, and other minerals and metals. The RMI runs regular workshops on responsible sourcing issues and contributes to policy development with civil society organizations and governments. For more information, visit